

FILED
KERN COUNTY SUPERIOR COURT
2/17/2022

BY Hinojosa, Ana
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**IN RE: CHANGES TO FACIAL
COVERINGS REQUIREMENTS
DURING THE COVID-19 PANDEMIC**

MISCELLANEOUS NO.: STO-22-0005

On March 4, 2020, the State of California entered a State of Emergency due to the threat of COVID-19. On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system was capable of serving all and prioritizing those at the highest risk and vulnerability.

On June 15, 2021, the Governor announced that restrictions that had been in place for the last year were eliminated, including physical distancing, capacity limits, county tier systems, and facial coverings in most settings for fully vaccinated individuals. See Executive Orders [N-07-21](#) and [N-08-21](#).

On January 5, 2022 the California Department of Public Health (CDPH)

1 extended the requirement for universal masking indoors statewide, regardless of
2 vaccination status, due to the emergence of the more contagious Omicron variant.
3 See [CDPH's Guidance for Use of Face Coverings](#), issued on January 5, 2022.

4 The Court's [Emergency Local Rule No. 2](#), originally adopted on May 19, 2020,
5 was most recently amended effective January 14, 2022 to require facial coverings for
6 all individuals, regardless of vaccination status. Individual judicial officers reserved the
7 authority to modify any part of this rule inside their individual courtroom.

8 Effective February 16, 2022, [CDPH's statewide indoor masking mandate](#)
9 expired and reverted to its previous masking guidance, which requires only
10 unvaccinated individuals to mask in indoor public settings. However, workplaces are
11 still required to follow the COVID-19 prevention standards set by Cal/OSHA and set
12 forth in its Emergency Temporary Standards, which require employees to wear facial
13 coverings in certain situations or locations.

14 Kern County Public Health Services Department reported that the 7-day case
15 rate dropped by more than 50% over the last two weeks. See News Releases from
16 Kern County Public Health Services Department, [February 8, 2022](#) and [January 25,](#)
17 [2022](#).

18 Accordingly, effective February 28, 2022, in all of the court's facilities, facial
19 coverings will be optional, but recommended, for fully vaccinated individuals and
20 required for individuals who are not fully vaccinated as defined by CDPH and
21 Cal/OSHA. However, court employees may be required to wear facial coverings,
22 regardless of vaccination status, in certain situations or locations pursuant to
23 Cal/OSHA Emergency Temporary Standards. In addition, the court will continue to
24 follow applicable guidance from county, state, and federal public health authorities,
25 including, but not limited to, prohibiting individuals from entering if they are subject to

1 an isolation or quarantine order or are experiencing symptoms of COVID-19.

2 For good cause and pursuant to the court's inherent supervisory and
3 administrative authority, as well as the Presiding Judge's duty to promote access
4 to justice for all members of the public, taking into account the needs of the public
5 and court as they relate to the efficient and effective management of the court
6 (Cal. Rules of Court, rule 10.603),

7 THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

8 Effective February 28, 2022, and until further notice, the court will follow
9 applicable guidance from county, state, and federal public health authorities and
10 impose the following COVID-19 risk-reduction measures:

11 1. **For individuals who are not court employees, jurors, vendors or**
12 **contractors**: Facial coverings are optional, but recommended, for fully vaccinated
13 individuals, and facial coverings are required for individuals who are not fully
14 vaccinated. Any individual not wearing a facial covering inside a court facility is self-
15 attesting that they are fully vaccinated as defined by CDPH and Cal/OSHA, and in
16 compliance with the requirements of the applicable California Department of Public
17 Health Guidance for the Use of Face Masks ("CDPH Guidance"). The February 7,
18 2022 CDPH Guidance is available [here](#). Persons younger than two (2) years old are
19 exempt from wearing a facial covering. Unvaccinated persons exempted by the
20 CDPH Guidance who cannot safely wear a facial covering because of a disability, as
21 defined by the Americans with Disabilities Act (ADA, 42 U.S.C. 12101 et seq.), must
22 submit a Request for Accommodations by Persons with Disabilities and Order form,
23 Judicial Council Form MC-410. Forms are available on the Court's website under
24 General Information →ADA, at <https://www.courts.ca.gov/documents/mc410.pdf>, or by
25 mail upon request to the ADA Coordinator's office. Forms may be submitted in hard

1 copy form to the Human Resources Department or via email to HR@kern.courts.ca.gov.

2 Any unvaccinated person without a facial covering may be denied entry to, or removed
3 from, the courthouse or courtroom.

4 **2. For court employees:** Facial coverings are optional, but recommended,
5 for fully vaccinated employees, and facial coverings are required for employees who are
6 not fully vaccinated. To be considered fully vaccinated and eligible to remove their
7 facial covering in the workplace, court employees must follow the proof-of-vaccination
8 procedures communicated by the Court Executive Officer, including any subsequent
9 modifications to that procedure, and must be fully vaccinated as defined by CDPH and
10 Cal/OSHA. All court employees will be considered not fully vaccinated and required to
11 wear a facial covering in the workplace unless and until they have successfully
12 completed the applicable procedure. Court employees who are not fully vaccinated may
13 remove their facial covering when working in an office or room alone or when actively
14 eating or drinking provided they are able to maintain six feet of social distancing from
15 other persons. Employees exempted by applicable CDPH Guidance or Cal/OSHA
16 Emergency Temporary Standards, because of a disability, as defined by the Americans
17 with Disabilities Act (ADA, 42 U.S.C. 12101 et seq.), that prevents wearing a facial
18 covering, may be provided with an alternative accommodation, if available. Any
19 employee who is not fully vaccinated as defined by CDPH and Cal/OSHA, may not
20 enter any court facility without a facial covering unless they have a pre-approved
21 alternative accommodation. In addition, employees may be required to wear facial
22 coverings, regardless of vaccination status, in certain situations or locations pursuant to
23 Cal/OSHA Emergency Temporary Standards, including, but not limited to, employees
24 who qualified for shortened isolation or quarantine periods or employees who have
25 received a notice of multiple COVID-19-positive results in a work area.

1 **3. For jurors, vendors or contractors:** Facial coverings are optional,
2 but recommended, for fully vaccinated jurors, vendors or contractors, and facial
3 coverings are required for those individuals who are not fully vaccinated. The
4 requirements for these individuals are the same as for employees with the following
5 exceptions:

6 a. Jurors shall self-attest to their vaccination status, but must complete a
7 Self-Certification of Vaccination + Booster form, which will be
8 confidentially maintained by Jury Services Department. The information
9 contained on the form will only be used to comply with Cal/OSHA
10 Emergency Temporary Standards and any orders by the state or local
11 health authorities.

12 b. Vendors and contractors will complete a Certification of Vaccination +
13 Booster form and must provide proof of vaccination and booster (if
14 applicable). Use of the information contained on the form will only be
15 used to comply with Cal/OSHA Emergency Temporary Standards and
16 any orders by the state or local health authorities.

17 **4.** Notwithstanding the above, the court may designate certain areas
18 within its facilities, including courtrooms, where all persons, including court
19 employees, will be required to wear facial coverings, regardless of vaccination
20 status. The court will post signs in these areas, or provide oral instructions,
21 indicating facial coverings are required, regardless of vaccination status. Only
22 persons under the age of two, or for whom an ADA accommodation has been
23 granted, will be exempt from wearing a facial covering in those designated areas.

24 **5.** All persons, including court staff and judicial officers, are required to
25 self-evaluate for symptoms and may not enter a courthouse if they are subject to


1 an isolation or quarantine order or exhibiting COVID-19 symptoms as described
2 by the Centers for Disease Control and Prevention ("CDC"), available here, which
3 currently include, but are not limited to, fever or chills, cough, shortness of
4 breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss
5 of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or
6 diarrhea.

7 6. This order does not restrict or otherwise abrogate the express and
8 inherent authority of the court and its judges to provide for the orderly conduct of
9 proceedings, to control in the furtherance of justice the conduct of persons
10 connected with judicial proceedings, or to control processes and orders so as to
11 make them conform to law and justice. Specifically, if a judicial officer determines
12 it is necessary to the furtherance of justice to wear or remove their facial covering
13 when on the bench or to direct an individual in their courtroom to wear or remove
14 their facial covering, they may do so.

15 7. Effective February 28, 2022, Emergency Local Rule No. 2 is
16 rescinded as moot.

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18 THIS ORDER IS EFFECTIVE FEBRUARY 28, 2022 AND MAY BE AMENDED
19 AS CIRCUMSTANCES REQUIRE.

20
21 Dated: February 17, 2022.

22
23 
24 Colette Humphrey, Presiding Judge
25 Kern County Superior Court